Filed 5/11/10 In re Jose M. CA4/3

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

In re JOSE M., a Person Coming Under the Juvenile Court Law.	
THE PEOPLE, Plaintiff and Respondent, v. JOSE M., Defendant and Appellant.	G041750 (Super. Ct. No. DL032084) O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Robert Byron Hutson, Judge. Affirmed.

Jean Ballantine, under appointment by the Court of Appeal, for Defendant and Appellant.

Edmund G. Brown, Jr., Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Gary W. Schons, Assistant Attorney General, Peter Quon, Jr., and Stephanie H. Chow, Deputy Attorneys General, for Plaintiff and Respondent.

Appellant challenges the sufficiency of the evidence to support the juvenile court's finding he committed a lewd act on a child under the age of 14. He also contends some of his probation conditions are vague and overbroad. We agree some of the conditions must be modified to comport with due process, but otherwise affirm the judgment in its entirety.

FACTS

On June 17, 2008, D.H. was giving her three-year-old daughter M.C. a bath when M.C. touched herself on the vagina. D.H. told her not to do that, but she said, "No, Cas[.] touched me there and he sucked me there." She then illustrated how Cas. sucked her, by sticking out her tongue and wiggling it around. When D.H. asked her where this had occurred, she said at Maria's house.

Maria is appellant's mother, as well as the mother of M.C.'s baby-sitter, Adrianne. Oftentimes when Adrianne was taking care of M.C., she would bring her to Maria's house. And on some of those occasions, appellant, whose nickname is Cas., was also at the house. He was in the 11th grade when M.C. made her allegation to D.H. in June 2008. Academically, however, he had the intellect of a third grader.

The day after M.C. told D.H. that Cas. had sucked her vagina, she repeated the allegation to her father. He promptly called the police, and when M.C. was interviewed by social workers, she reiterated her claim. Speaking in her native Spanish, she consistently alleged, "Cas[.] chupo mi cola."

On July 9, 2008, appellant's parents voluntarily brought him to the police station for questioning. At the start of the interview, Detective Jose Rocha told appellant he was not under arrest or in custody, but rather free to leave at any time. He also read appellant his rights under *Miranda v. Arizona* (1966) 384 U.S. 436 (*Miranda*), which appellant waived. At first, appellant said he did not know M.C., but eventually he admitted Adrianne baby-sat her at their house. He also admitted he played with her from time to time. However, he denied touching her in any way that was inappropriate.

Following the interview, Rocha arrested appellant for lewd conduct and began making arrangements for his transfer to juvenile hall. During this time, appellant was taken from the interview room to an office area that Rocha shares with other police personnel, including Youth Service Officer Michael Castanon. Castanon teaches a drug education class at local schools, and when he saw appellant, he recognized him as one of his former students. Not knowing why appellant was at the police station, he asked him why he was there and what he had done wrong. In response, appellant bowed his head slightly and said, "I did something," or "I did something wrong." He also said he was not going to do it again.

Trial commenced in January 2009. At that time, M.C. was four years old and appellant was sporting shorter hair and a trimmer waistline than when he was arrested. At a hearing to determine her competency to testify, M.C. was able to identify various people in the courtroom, including her parents and the prosecutor. She also identified various colors and body parts on the picture of a little girl she was shown. Upon identifying the girl's vagina, she exclaimed, "That's a cola and Cas[.] did that."

M.C. promised to tell the truth during her testimony. Tested on her ability to differentiate the truth from a lie, she said it would be a lie if someone said she was a boy. She said it would be the truth if someone said the judge's robe was green, but then changed her mind and said it would be a lie. She also said it would be the truth if someone said the female prosecutor was a girl. But she said it would be the truth if someone said they were outside and a lie if someone said they were inside. Asked if she knew the days of the week, she nodded yes, but she shrugged her shoulders when asked what they are. She also said she knew what day of the week it was, but answered "I don't know" when asked to name it. At the conclusion of the hearing, the court found she was competent to testify.

During her testimony the following day, M.C. initially said she had never been to Maria's house. However, she then stated Cas. had sucked her vagina while she

was over at Maria's house. She described Cas. as a "big boy" and said the incident occurred while she was putting on her Sleeping Beauty dress. She said Cas. lifted up the dress, pulled down her tights and put his tongue on her vagina.

Following up on this testimony, the prosecutor questioned M.C. about her allegation:

"Q. Is that the truth?

"A. It's a lie.

"Q. So Cas[.] didn't put his tongue on your cola?

"A. Yes.

"Q. Yes, he did or no, he didn't?

"A. Yes.

"Q. What did Cas[.] do to you?

"A. He — his tongue and he — he give me — he pull . . . with his tongue, he did like this and he did like this (indicating).

"Q. Indicating for the record the witness has pointed to her front vagina area that she has previously identified as the cola. The witness then bent over on her seat and with her head down and her mouth open, stuck out her tongue and did it in an upward direction."

Later in her testimony, M.C. was asked about the statements she made to her mother:

"Q. Did you tell your mommy what Cas[.] did to you?

"A. Yes.

"Q. When you told your mommy, was it true or was it a lie?

"A. A lie.

"Q. Did you lie to your mommy?

"A. Yes.

"Q. [] Remember . . . yesterday I asked you are you a girl or a boy?

"A. A girl.

"Q. And if I said, 'No . . . you're a boy,' is that a truth . . . or a lie?

"A. A lie.

"Q. So when you told your mommy Cas[.] sucked your cola —

"A. Yes.

"Q. — were you telling her the truth?

"A. Okay.

"Q. Or was it a lie?

"A. A lie.

"Q. So —

"A. I talking to the microphone.

"Q. [] You can talk into the microphone. Did Cas[.] suck your cola?

"[Defense Counsel]: Objection, asked and answered.

"[M.C.]: Yes.

"The Court: Overruled. Answer remains.

"Q. Yes?

"A. (nods head)."

Although M.C. was able to explain what appellant did to her, she was unable to identify him in the courtroom. When the prosecutor pointed him out to her, she said she did not recognize him.

Testifying in appellant's defense, Adrianne said her father sometimes goes by the name Cas. However, she never calls him that, and as far as she knew, he did not even know who M.C. was before this case arose.

Psychologist Jeffrey Younggren also testified for the defense. He had reservations about whether M.C. was competent to testify and was concerned about some of the techniques the social workers used in interviewing her. For example, he didn't like the fact some of the questions they asked her were leading or "close-ended." However,

he admitted the use of such questions was probably necessary due to M.C.'s age. He also admitted there were two basic factors that supported the conclusion M.C. was telling the truth. First, she revealed the molestation to her mother in a spontaneous fashion. And second, it is "extremely rare for children to intentionally falsify reports of . . . sexual abuse."

In deciding the case, the juvenile court extensively reviewed all of the evidence that was presented. While recognizing M.C.'s testimony had to be viewed with caution, due to her age, the court found her story was believable in light of all the circumstances. It therefore found the allegation against appellant to be true.

I

In a broad ranging argument, appellant contends there is insufficient evidence to support the court's finding. We find his arguments unavailing and affirm the court's decision.

"'"In reviewing the sufficiency of evidence under the due process clause of the Fourteenth Amendment to the United States Constitution, the question we ask is 'whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.'" [Citation.] We apply an identical standard under the California Constitution. [Citation.] "In determining whether a reasonable trier of fact could have found defendant guilty beyond a reasonable doubt, '[we] . . . presume in support of the judgment the existence of every fact the trier could reasonably deduce from the evidence.'" [Citation.]'" (*People v. Meija* (2007) 155 Cal.App.4th 86, 93.) We do not resolve credibility issues or evidentiary conflicts: "'Resolution of conflicts and inconsistencies in the testimony is the exclusive province of the trier of fact. [Citation.] Moreover, unless the testimony is physically impossible or inherently improbable, testimony of a single witness is sufficient to support'" the challenged finding. (*Ibid*.; see

also *In re Ryan N.* (2001) 92 Cal.App.4th 1359, 1371 [the same standard of review applies in juvenile court cases].)

M.C.'s Competency to Testify

Appellant contends M.C. was incompetent to testify because of her age. However, we find no abuse of discretion in the court's ruling to the contrary.

"[E]very person is qualified to testify except as provided by statute. [Citation.] A person is *disqualified* as a witness *only* if he or she is "[i]ncapable of *expressing* himself or herself [understandably] concerning the [testimonial] matter" [citation], or is "[i]ncapable of *understanding the duty of a witness to tell the truth* " [citations]. Capacity to communicate, or to understand the duty of truthful testimony, is a preliminary fact to be determined exclusively by the court, the burden of proof is on the party who objects to the proffered witness, and a trial court's determination will be upheld in the absence of a clear abuse of discretion. [Citations.]" (*People v. Anderson* (2001) 25 Cal.4th 543, 573.) On appeal, we may consider the entire record in determining whether such an abuse has occurred. (*People v. Smith* (1958) 162 Cal.App.2d 66, 69.)

M.C. was quite capable of expressing the substance of her allegations against appellant. She not only verbally described the act in question — "Cas[.] chupo mi cola" — she actually demonstrated how Cas. moved his head and tongue about while he performed the act. She also described various circumstances surrounding the molestation, such as where it occurred and what she was wearing. That is sufficient to satisfy the capacity-to-communicate requirement.

As for M.C.'s capability to understand the duty to testify truthfully, the record shows there were some instances where she was unable to differentiate a true statement from a false one. But that could have had more to do with her limited courtroom experience than her ability to understand her oath. That inexperience was on display when the prosecutor asked her some questions about the judge's robe and she

indicated she was not entirely clear "which one" was the judge. Given her confusion in this regard, it is hardly surprising that when the prosecutor asked her, "If I told you that the judge was wearing a green robe, is that a truth or a lie?" M.C.'s initial response was, "A truth."

However, once the judge was pointed out to her, she could see his robe was black. After that, she correctly identified the prosecutor's statement as "a lie." She also correctly identified several other statements as being either the truth or a lie. Although her answers were not uniformly correct, they were sufficiently accurate to justify the court's decision to deem her competent to testify. Competence of a witness is a matter conspicuously ill-suited to determination by a court that has never seen the witness. It would take a remarkable showing to establish error on such a question. Suffice it to say, appellant has not shown the court clearly abused its discretion in reaching this decision. Therefore, M.C.'s testimony was properly admitted into evidence, and we may consider it in reviewing the sufficiency of the evidence on appeal.

Appellant's Statement to Officer Castanon

After appellant was interviewed by Detective Rocha, he was taken to an office area, where Castanon recognized him. Not being involved in appellant's case, Castanon asked him why he was at the police station and what he had done wrong. Appellant bowed his head and said he had done something, or had done something wrong, and he was not going to do it again. Although he had previously waived his *Miranda* rights in speaking with Rocha, appellant contends Castanon was required to readvise him of those rights before asking him any questions. We disagree.

In *Miranda*, the United States Supreme Court held that prior to custodial interrogation, the police must inform suspects of certain rights, including the right to remain silent. (*Miranda*, *supra*, 384 U.S. at p. 444.) "[T]he term 'interrogation' . . . refers not only to express questioning, but also to any words or actions on the part of the police (other than those normally attendant to arrest and custody) that the police should

know are reasonably likely to elicit an incriminating response from the suspect." (*Rhode Island v. Innis* (1980) 446 U.S. 291, 309.)

The Attorney General argues Castanon's questioning of appellant was not likely to elicit an incriminating response because the officer was just making conversation with appellant and did not even know why he was at the police station. However, the *Miranda* safeguards apply irrespective of the officer's motivation for asking questions. (*Rhode Island v. Innis, supra*, 446 U.S. at p. 301; see also *Davis v. Washington* (2006) 547 U.S. 813, 840, fn. 4 [subjective intent of police officer is not relevant to whether interrogation has occurred].) Therefore, it doesn't matter what Castanon knew about appellant's situation or why he questioned him. Instead, we must look at the objective circumstances of their encounter in determining whether the questions were reasonably likely to evoke an incriminating response. (*Rhode Island v. Innis, supra*, 446 U.S. at p. 301.)

We think they were. The first part of Castanon's inquiry, in which he asked appellant why he was at the police station, was fairly innocuous. But the second part of his inquiry, in which he asked appellant what he did wrong, was accusatory in nature. It assumed appellant was at the station because he did something illegal, and it put the onus on appellant to explain what it was. Such direct questioning in the confines of a police station would be reasonably likely to trigger an incriminating response. Therefore, it amounted to interrogation for purposes of *Miranda*.

Still, we do not believe Castanon was required to advise appellant of his *Miranda* rights, given the fact Rocha had already done so. The law is clear that readvisement is not required where a subsequent interrogation is "'reasonably contemporaneous'" with a prior waiver of rights. (*People v. Mickle* (1991) 54 Cal.3d 140, 170.) And in this case, only about an hour passed from the time appellant waived his rights to Rocha until Castanon questioned him. Although appellant was moved from an interview room to Rocha's office during that time, Rocha was still in the general area,

and it was clear appellant was still in custody when he spoke with Castanon. These circumstances favor a finding appellant's waiver of rights carried over to his brief chat with Castanon. (*Id.* at p. 171 [readvisement not required even though subsequent interview was conducted at different location and 36 hours after earlier interviews during which the defendant had waived his *Miranda* rights].)

Appellant cites his limited intellectual capability as a countervailing circumstance, but the record shows his main academic deficiency was in the area of reading. There is no indication he was unable to understand his *Miranda* rights or anything else that was said to him. In fact, he demonstrated a considerable amount of acumen during Rocha's interrogation. Although Rocha tried to trick him at several points in the interview (e.g., by falsely telling him they found his DNA on M.C.), he was able to weather the interrogation without admitting any wrongdoing. Considering all the circumstances presented, we conclude Castanon was not required to readvise appellant of his *Miranda* rights, and therefore his statements were properly admitted into evidence.

Did the Trial Court Apply the Correct Standard of Proof?

Appellant argues that in ruling on his motion to dismiss at the close of the prosecution's case, and in assessing the evidence at the end of the case, the court failed to hold the prosecution to its burden of proving the allegation against him was true beyond a reasonable doubt. The record shows otherwise.

At the close of the prosecution's case-in-chief, the defense made a motion to dismiss for lack of proof. (Welf. & Inst. Code, § 701.1.) In considering the motion, the court noted that while M.C. appeared well qualified to testify at her competency hearing, she was rather "flighty" in her trial testimony the following day. The court observed, "There [could be] a lot of reasons [why that was the case]. And that's reasonable doubt because we don't know why [there was] such a drastic change from one day to the other."

However, looking at M.C.'s testimony as a whole, the court was convinced she was telling the truth. The court stated that, in considering the testimony of a child witness, it had to "make an evaluation and assessment as to whether or not they're consistent and if they are giving information *that has a ring of truth to it* and apply it to the surrounding circumstances. [¶] . . . [It would not] be advisable to simply hold them strictly to the language that [they used to express themselves] as you would [with] an adult witness, but you look at the totality of the circumstances." (Italics added.) While defense counsel argued the overall circumstances created a reasonable doubt as to whether M.C. was telling the truth, the court disagreed and denied the motion to dismiss.

Appellant argues the court's comments show that it erroneously applied a "ring of truth" standard in ruling on his motion. Viewed in context, however, the court's comments simply reflect the commonsense notion that children are different than adults and not everything they say can be taken at face value. The comments were made in connection with the court's assessment of witness credibility and were not aimed at the sufficiency of the evidence as a whole. Moreover, both the court and the parties referenced the beyond-a-reasonable-doubt standard numerous times during the motion hearing. There is no reason to believe the court applied any other standard in ruling on the motion.

Later on, in making its final ruling in the case, the court said it had reviewed the evidence "to see if . . . any of the theories that were advanced would apply to either establish or not establish reasonable doubt, which is the standard." Responding to defense counsel's arguments that M.C.'s age should not affect the prosecution's burden of proof and that "the pinnacle legal standard [of] beyond a reasonable doubt" should still apply, the court agreed, saying it would not "toss out the standards of proof and due process" simply because M.C. was a child.

The court also stated, "Regardless of whether this is a child witness or not, the basic questions for a trier of fact to be able to answer, as the trier of fact travels

towards reasonable doubt or no reasonable doubt, [are] who, what, where, when, how, [and] sometimes why. *Those are the basic concepts that every trial generally answers to give comfort to a trier of fact to overcome reasonable doubt*." (Italics added.)

Relying on the italicized sentence, appellant contends the court placed the onus on him to overcome reasonable doubt and affirmatively establish his innocence. Quite clearly, however, the court was talking about how the "trier of fact" might assess and overcome reasonable doubt, not the accused. At no point did the court indicate appellant bore the burden of proof. To the contrary, the court ultimately concluded the prosecutor had "met her burden" by proving the allegation was true beyond a reasonable doubt. Thus, it utilized the correct standard of proof in judging the case.

Sufficiency of the Evidence

The remaining question is whether there is sufficient evidence to support the trial court's rulings. We believe there is.

As the trial court recognized, M.C.'s testimony was suspect in that she contradicted herself at times and was unable to identify appellant in the courtroom. However, according to Detective Rocha, appellant's appearance had changed in the six months that elapsed from the time of his arrest until the time of trial. His shorter hair and trimmer build may have made it hard for M.C. to recognize him. In any event, she was consistent throughout the case in terms of implicating appellant and describing what he did to her. She not only reported the abuse in a spontaneous fashion, she demonstrated to her mother and to the court how appellant used his tongue to copulate her. Even appellant's own expert conceded that, except in the rarest of cases, young children such as M.C. generally do not go around alleging they have been sexually abused, unless it is true. Overall, there is substantial evidence appellant committed the act in question.

Appellant argues that, assuming he committed the act, there is insufficient evidence he possessed the requisite intent to arouse or gratify his sexual desires. (Pen. Code, § 288, subd. (a).) In so arguing, he relies once again on his limited academic

ability, as well as the lack of evidence he experienced sexual arousal during the touching. As noted above, appellant's main academic deficiency was in the area of reading. One doesn't have to be a great reader to possess lustful intentions. And as far as the issue of arousal is concerned, the record does not show — one way or another — whether appellant was sexually excited when he touched M.C.'s vagina.

We do know, however, appellant lied to the police about whether he knew M.C. He also admitted doing something, or doing something wrong, and said he would not do it again. These deceptions and admissions are indicative of a guilty mind, and coupled with the other facts in the case, constitute substantial evidence of his wrongful intent. Given all the evidence that was presented, there is sufficient evidence to support the trial court's finding he committed a lewd act on M.C.

II

Appellant also contends three of his probation conditions must be modified because, on their face, they are unconstitutionally vague and overbroad. We agree two of the conditions must be modified to comport with due process, but uphold the other one as written.[1]

"The juvenile court has wide discretion to select appropriate conditions and may impose '"any reasonable condition that is 'fitting and proper to the end that justice may be done and the reformation and rehabilitation of the ward enhanced.'"' [Citations.]" (*In re Sheena K., supra,* 40 Cal.4th at p. 889.) "'[E]ven where there is an invasion of protected freedoms "the power of the state to control the conduct of children reaches beyond the scope of its authority over adults . . . ."' [Citation.] This is because juveniles are deemed to be 'more in need of guidance and supervision than adults, and because a minor's constitutional rights are more circumscribed.' [Citation.]" (*In re Victor L.* (2010) 182 Cal.App.4th 902, 910.)

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[1] Despite appellant's failure to object to the conditions in the trial court, they are nonetheless reviewable on appeal since they involve pure questions of law. (*In re Sheena K.* (2007) 40 Cal.4th 875, 888.)

Nevertheless, juvenile probation conditions must be sufficiently clear to give the probationer fair notice of what is expected of him. "The vagueness doctrine bars enforcement of '"a [condition] which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application." [Citations.]' [Citation.]" (*In re Sheena K., supra,* 40 Cal.4th at p. 890.) In addition, "[a] probation condition that imposes limitations on a person's constitutional rights must closely tailor those limitations to the purpose of the condition to avoid being invalidated as unconstitutionally overbroad. [Citation.]" (*Id.* at p. 890.) Even a condition that is reasonably precise in terms of describing what conduct it proscribes """may nevertheless be 'overbroad' if in its reach it prohibits constitutionally protected conduct."""" (*People v. Lopez* (1998) 66 Cal.App.4th 615, 630.)

The first condition at issue here states appellant may not "possess, own, or have access to, any form of on-line Internet service, without written permission of and subject to all restrictions as determined by [his] probation officer." Appellant argues the condition is overbroad and unreasonable because it "precludes him from owning or using a computer" without prior approval. In fact, the condition merely restricts his Internet access; he remains free to use the computer for other purposes, such as word processing.

Moreover, even the Internet restriction is not absolute. Appellant can still use the Internet if he gets permission from his probation officer and abides by any restrictions the officer may impose. Given that a probationer's First Amendment rights may be limited to effectively address his sexual deviance problem, there is no constitutional impediment to this restriction. (*United States v. Rearden* (9th Cir. 2003) 349 F.3d 608, 619-621; *United States v. Zinn* (11th Cir. 2003) 321 F.3d 1084, 1093 [noting link between child sex crimes and the Internet, court finds restriction on internet access "is not overly broad in that Appellant may still use the Internet for valid purposes by obtaining his probation officer's prior permission"].)

The second condition appellant challenges is more troublesome. It prohibits him from watching or possessing "any form of sexually explicit movies, videos, material or devices." Appellant argues the term "sexually explicit" is unduly vague, leaving him to guess at what materials he must avoid, and we agree. Equating the term "sexually explicit" with the word "pornography," the Attorney General suggests we incorporate the definition of pornography into the condition. However, the definition he proposes — "sexually explicit pictures, writings, or other material whose primary purpose is to cause sexual arousal" — doesn't do a whole lot in terms of elucidating which materials are meant to be prohibited.

For the same reason, appellant's suggestion that we equate sexually explicit material with legally obscene material is also unavailing. Under the Penal Code, "'Obscene matter' means matter, taken as a whole, that to the average person, applying contemporary statewide standards, appeals to the prurient interest, that taken as a whole, depicts or describes sexual conduct in a patently offensive way, and that, taken as a whole, lacks serious literary, artistic, political, or scientific value." (Pen. Code, § 311, subd. (a).) We are not convinced this definition would greatly facilitate appellant's understanding of which materials are covered by the subject condition.

However, there is a definition that is likely to achieve this objective. Under federal law, the term sexually explicit conduct refers to: 1) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal; 2) bestiality; 3) masturbation; 4) sadistic or masochistic abuse; or 5) lascivious exhibition of the genitals, breast or pubic area. (18 U.S.C. § 2256.) By using this list of acts to elucidate the term "sexually explicit" in appellant's probation condition, we enable him to know more precisely which movies and materials he must stay away from. This will not only further the "goals of rehabilitating [appellant] and protecting the public," but also ensure the subject condition is "neither vague nor overly broad." (*United States v. Rearden, supra,* 349 F.3d at p. 620.) Therefore, we will modify the condition to reference these particular acts. (See

generally *In re Sheena K., supra*, 40 Cal.4th at p. 892 [appellate court may modify a condition of the defendant's probation to render the condition constitutional]; *People v. Lopez, supra,* 66 Cal.App.4th 615 [same].)

Lastly, appellant challenges the condition of his probation that prohibits him from being "in the presence of children under the age of 12 without responsible adult supervision." The Attorney General concedes the condition is unduly vague because appellant may not know whether he is associating with someone who is under the age of 12. But that problem can be easily cured by adding a knowledge requirement to the condition. (*People v. Turner* (2007) 155 Cal.App.4th 1432, 1436.) We will modify the condition in this fashion to render it constitutional.

DISPOSITION

The condition of appellant's probation prohibiting him from watching or possessing any sexually explicit movies, videos, materials or devices is modified as follows: Appellant shall not watch or possess any movies, videos, materials or devices that depict sexually explicit conduct, which is defined as: 1) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal; 2) bestiality; 3) masturbation; 4) sadistic or masochistic abuse; or 5) lascivious exhibition of the genitals, breast or pubic area.

The condition of appellant's probation prohibiting him from being in the presence of any child who is under the age of 12 without responsible adult supervision is

modified as follows: Appellant shall not be in the presence of any person he knows or reasonably should know to be under the age of 12 without responsible adult supervision.

In all other respects, the judgment is affirmed.

BEDSWORTH, J.

WE CONCUR:

SILLS, P. J.

ARONSON, J.